



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,095	05/24/2006	Stephen Atkinson	014574-000017	2430
24239 7590 12/03/2008 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER				
DUCKWORTH, BRADLEY				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,095

Applicant(s)

ATKINSON ET AL.

Examiner

BRADLEY H. DUCKWORTH

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 6/10/05

10534095

DETAILED ACTION

Claims 40-42 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/29/08.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 32,33 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 32 and 33 recite "the retaining member" without prior mention of such a member. For the purposes of examination it was assumed that the retaining member was the retaining means of claim 1. In claim 35 there is no antecedent basis for the term "the tapered retaining surface" of the annular member. Accordingly the claim was examined as if this limitation was not present.

Claim Rejections - 35 USC § 102

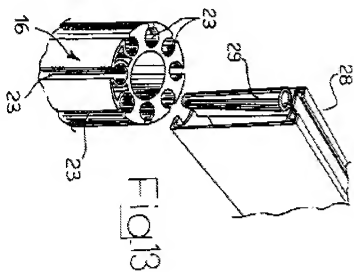
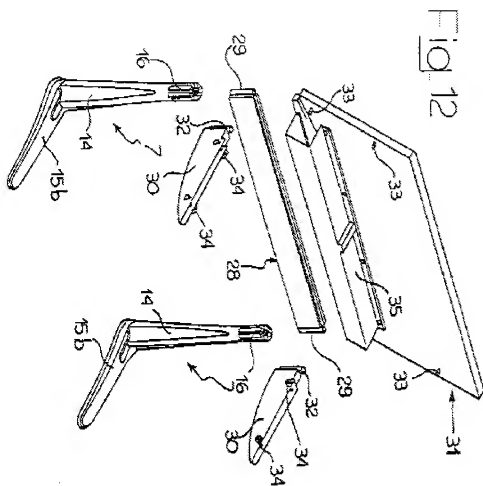
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

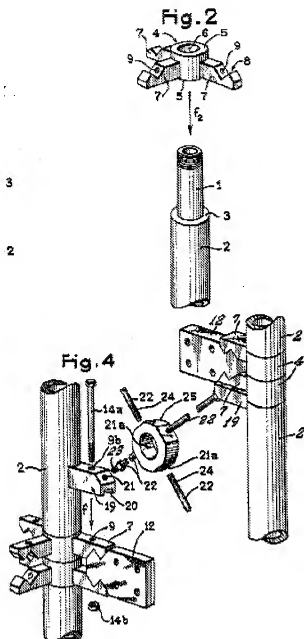
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20, 22-30 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Frascaroli (EP0815775A2). Referring to figures 5, 12, 13 and 19,

Frascaroli teaches a support system comprising a support leg (14) with retaining means (16) that retain support member (29) which is shown as a rail with both ends supported by two legs (14). The support member arranged to support table surface (31). The support member having a longitudinal end face with a retaining tapered surface, or flange that is tapered inwardly from a top end to a bottom end, as the retaining member gets smaller near the bottom of member (29). The longitudinal end face further being arcuate as being seen in figure 15, to conform to the edge of the support leg. The leg having a series retaining sockets(23) or grooves that is tapered to match the retaining flange that allow the rail to be angularly adjusted around the leg, and as seen in figure 12, to attach two support members to the leg and to vary the angle between the members. The grooves being incrementally arranged around the leg (14). The retaining grooves further having a mouth portion, or the narrow portion, and a retaining portion, or the wide portion of socket (23). The retaining portion holding the retaining flange (29) and the mouth preventing the flange from exiting the socket. The support further comprising a cover (26) to keep the retaining flange from vertically exiting the groove. Referring to figure 19, Frascaroli also discloses that the middle support leg has an internal passageway terminating in a socket of the unlabelled cord to pass through. As seen in figure 5, the support leg also has a foot (15a, b, c or d) that is adjustable, by interchanging the feet, to adjust a height of the leg. With regards to claims 37-39, Frascaroli teaches providing the support as detailed above, and further as can be seen for instance between figures 1-3, arranging the support members at different angles relative the legs to provide different support configurations.



Claims 1 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Rolland (US003268252). Referring to figures 2 and 4, Rolland teaches a support system comprising a support leg (2) with retaining boss (1) for retaining support members (7) at an adjustable angle relative the leg. The support members comprising an upper and lower support member with annular rings (4) for placement over the retaining boss. The support further having a cover (2) to downwardly urge the annular members on the retaining boss.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frascaroli as applied to claim 20 above, and further in view of Catta et al.(US006382747). Frascaroli teaches a support as detailed above, however Frascaroli does not teach the use of a securement means movable along the rail to secure a support surface a specific position. Catta et al teaches a similar table/desk system with a rail member, as seen in figure 7, the rail having a notch for movable attachment of a securement means for a support surface (C5 L39-45). It would have been obvious to one of ordinary skill in the art at the time of invention to use a movable securement means to attach the support surface of Frascaroli to the support rail, as taught by Catta et al., as this would allow greater adjustability in configuring the furniture system of Frascaroli.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rolland as applied to claim 34 above, and further in view of Frascaroli as applied above. Rolland teaches a support system as detailed above, with a generally cylindrical boss (1) and annular members (4), neither of which are tapered. Frascaroli teaches a support system as detailed above with a retaining member having a tapered flange locking with a tapered socket, which allows for one way connection. It would have been obvious to one of ordinary skill in the art at the time of invention to make the boss and annular rings of Rolland tapered in order provide a one way connection, or in other words to insure that the support members are properly vertically oriented, by using a tapered connection as taught by Frascaroli.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. DUCKWORTH whose telephone number is (571)272-2304. The examiner can normally be reached on m-f 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. H. D./
Examiner, Art Unit 3632

/J. ALLEN SHRIVER II/
Supervisory Patent Examiner, Art Unit 3632